

MAJOR ESPIONAGE STATUTES

Summary of Elements

§793(a)

1. Entry upon enumerated defense or defense related facilities.
2. For purpose of obtaining "National Defense" information.
3. With intent or reason to believe information is to be used to injury of U.S./advantage of a foreign nation.

§793(b)

1. Taking or making copies of documents connected with national defense.
2. For purpose of obtaining "National Defense" information.
3. With intent or reason to believe information is to be used to injury of U.S./advantage of a foreign nation.

§793(c)

1. Receipt or obtaining from any person or any source.
2. Documents relating to national defense.
3. For purpose of obtaining national defense information.
4. Knowledge or reason to believe document has been or will be obtained, taken, made, disposed of by any person contrary to espionage chapter of Title 18.

§793(d)

1. Lawful possession.
2. Document or information relating to national defense
3. Reason to believe information could be used to injury of U.S./advantage of foreign nation.
4. "Willful" communication to any person not entitled to receive it or failure to deliver on demand to U.S.

§793(e)

1. Unauthorized possession.
2. Document or information relating to national defense
3. Reason to believe information could be used to injury of U.S./advantage foreign nation.
4. "Willful" communication to any person not entitled to receive it or failure to deliver to U.S. (no demand requirement).

§793(f)

1. Lawful possession.
2. Document or information relating to national defense.
3. Through gross negligence permits loss, theft, destruction, removal, abstraction or delivery in violation of trust.
4. Or, knowledge of illegal removal, loss, theft, etc. and failure to make prompt report.

§793(g)

1. Conspiracy to do any of 793(a) - (e)

§794(a)

1. Communication or delivery of documents or information relating to national defense.
2. To foreign government, power, agent, or citizen.
3. With intent or reason to believe document/information to be used to injury of U.S./advantage foreign power.

§794(b)

1. In time of war.
2. Collection, recordation, publication, communication of defense information and information relating to the public defense which might be useful to enemy.

3. With intent that same be communicated to enemy.

§794(c) Conspiracy for (a) and (b)

§798(a)

1. Classified information -

a. Concerning codes, ciphers, crypto systems of U.S. or foreign government.

b. Concerning crypto or COMINT equipment of U.S. or foreign government.

c. Concerning COMINT activities of U.S. or foreign government, or

d. Obtained by COMINT process from communications of foreign government, with knowledge information obtained by such process.

2. Knowing and willful communication to an unauthorized person, or publication, or use in any manner detrimental to the U.S. or to the benefit of a foreign government.

50 U.S.C. §783(b)

1. Communication to agent or representative of foreign government or officer of communist organization.

2. By officer or employee of U.S. Government.

3. Of classified information, knowing or having reason to believe it is classified.